

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 13, 2015**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Julie Strandlie, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Wednesday, May 20, 2015, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss electric vehicle charging stations.

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Commissioner Hedetniemi announced that the Commission's Tysons Committee met earlier this evening and added that the Committee would meet again on Wednesday, June 10, 2015, at 7:00 p.m. in the Board Conference Room.

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PRC 80-C-111 – CORPORATION FOR THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

(Start Verbatim Transcript)

Commissioner de la Fe: Thank you, Mr. Chairman. Tonight we were scheduled at one point to have a public hearing on PRC 80-C-111, Corporation for the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, in Reston, and I would like to MOVE THAT PUBLIC HEARING DEFERRED UNTIL JULY 15TH, 2015.

Commissioners Hedetniemi and Hart: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Hart. Is there a discussion of the motion? All those in motion to defer the public hearing on PRC 80-C-111 to a date certain of July –

Commissioner de la Fe: – 15th

Chairman Murphy – 15th, with – say ay.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Migliaccio abstained from the vote; Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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ST09-III-UP1 (B) – RESTON MASTER PLAN PHASE II (Decision Only) (The public hearing on this application was held on April 22, 2015.)

(Start Verbatim Transcript)

Commissioner de la Fe: Mr. Chairman, for the past year, following the adoption in February 2014 of the Reston Transit Station Area Plan, the community and county staff have been working diligently on updating the Comprehensive Plan's guidance for Reston as part of Phase II of the Reston Master Plan Special Study. Plan Amendment ST09-III-UP1 (B) addresses Reston's residential neighborhoods, village centers, and other commercial areas, which consist of approximately 6,300 acres north and south of the Dulles airport access and toll road. The proposed amendment integrates the plan guidance for Reston that will be under a new tab section of the Area III plan. Staff presented draft plan text at the Planning Commission public hearing on April 22nd. Subsequently, I reviewed the extensive public testimony and distributed to the Commission my proposed markup of the proposed plan text in the document entitled Markup of Proposed Reston Master Plan Special Study, Phase II, dated May 7th, 2015. For the Commission's benefit, I have also – I have shown my changes to the staff recommendations using underlines and strike-throughs. In addition, the markup document includes as attachments revised figures that are proposed for inclusion in the proposed plan text. This markup text supports the staff recommendations in most instances and responds to some of the specific comments for changes that came from the public and from the Commission at the public hearing. Many of the revisions are editorial in nature or are meant to help clarify the Plan text. The main substantive changes are:

- Removal of the requirement for village centers to undergo plan amendments in order to promote their redevelopment.

- Addition of language for Tall Oaks Village Center to recognize that the redevelopment may include a significantly reduced non-residential component and that any redevelopment should emphasize quality design and the creation of a neighborhood gathering place.
- Addition of language permitting the redevelopment of Saint John's Wood Apartments in line with the applicant's proposal that was submitted during the study's open comment period. This will allow for the development proposal currently under review to be considered.

There were several issues brought up in the testimony at the public hearing and subsequently, which were not included in my proposed markup. Regarding the Fairfax Hunt Club property cemetery, according to the Department of Planning and Zoning Heritage Resource staff and Park Authority Cultural Resource staff, no county staff archaeologists have been out to the property as of today and they have not even been contacted to visit the site. They would be glad to go out to go out to the property, but that would need to be arranged with the property owner. A buffer or preservation recommendation cannot be made without a study of the property. That is why the recommendation is to consult the archaeology group on what surveys or studies are needed. The buffer recommended by citizens is arbitrary, since there is no information to base the recommendation on. No studies have been done. The cemetery will be treated and recognized like any other cemetery in the county. Buffer recommendations on cemeteries are typically addressed in the development review process. Putting specific language in the Comp Plan is overkill. Regarding the Herndon TSA concerns that were voiced by certain Polo Field owners, the concerns expressed by several Polo Fields residents regard the Herndon TSA text, which was considered during phase – Reston Phase I. Polo fields HOA representatives were involved in that effort. Staff's approach stated that - - repeated from the beginning of Reston Phase II - - has been that we would - - wouldn't revisit community-vetted recently adopted TSA guidance. That being said, one concern is already addressed in the plan: to add a new street grid paralleling Sunrise Valley Drive close to the DTR to access the Herndon station. Secondly, the issue of Sunrise Valley wetlands' proper maintenance and signage regarding public access is inappropriate for the plan to address. Finally, regarding the planned interchange of Fairfax County Parkway and Sunrise Valley Drive, FCDOT will reexamine its necessity and, if found necessary, examine in more detail. Polo Fields and other residents' participation is encouraged. The Reston Plan Green Building section is different from, or simply doesn't refer to, the Policy Plan's green building guidance. The Reston Plan's community-wide green buildings practices section is taken directly from the adopted Reston TSA Plan, with the addition of one bullet of information regarding EV charging stations at the end of the section. The green building practices section does refer to the Policy Plan guidance. It also lists explicitly as examples that may be followed several green building design approaches that are encouraged in Reston - in Reston. For nonresidential development in the TSAs, with the support of staff and the Task Force during Phase I, LEED Silver certification is recommended, given the recommended intensity. This is similar to the approach taken in Tysons and Innovation Center TSA, given their planned intensities. And the issue of arterial roads being inappropriate for urban areas with pedestrians, the issue was addressed during Phase I, where language was added regarding mitigating traffic congestion as a tiered approach to favor pedestrians, bicyclists, and transit. In addition, language was added to address road speeds - road speeds. With the upcoming FCDOT enhanced street grid study, which

is a follow-on study from Phase I, there is an opportunity to address these issues in more detail. The staff recommendations, with my proposed edits, focus this growth in the TSAs and village centers, while preserving Reston's existing residential neighborhoods. This approach is in line with the Phase I Task Force recommendation – approach - - an approach embodied within the adopted Reston vision and planning principles to preserve the residential neighborhoods and focus growth and change in the areas near the Metro, within the Town Center, and in the village centers. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE RECOMMENDED PLAN TEXT FOR RESTON AS PRESENTED IN APPENDICES A THROUGH G OF THE STAFF REPORT FOR ST09-III-UP1 (B), DATED APRIL 1ST, 2015, AND AS MODIFIED BY MY MARKUP DATED MAY 7TH, 2015.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2013-CW-4CP [*sic*], which is the – which is the Reston – I'm sorry – ST09-III-UP1 (B), the Reston Master Plan Phase II, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, abstain; not here for the public hearing.

Chairman Murphy: Okay, Mr. Migliaccio abstains.

The motion carried by a vote of 9-0-1. Commissioner Migliaccio abstained from the vote; Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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PA 2013-CW-4CP – CONSERVATION AREAS AND COMMUNITY NEIGHBORHOOD IMPROVEMENT AREAS (Decision Only) (The public hearing on this application was held on April 30, 2015.)

(Start Verbatim Transcript)

Commissioner Hedetniemi: Thank you, Mr. Chairman. At the public hearing held on April 30th, 2015, the new – the President of the New Gum Springs Community Association presented testimony indicating their opposition to the removal of references to the Gum Springs Conservation Area, which expired in 2004, from the Comprehensive Plan. The Planning Commission voted to defer their decision and directed staff to meet with the community to try to resolve their issues. Staff met with the community on May 7th, 2015. The community shared their concerns about protection of their neighborhood and a preliminary discussion took place

about whether the Conservation Area Plan or the Comprehensive Plan would be the most effective tool to achieve the protections the community seeks. Additional meetings will need to occur over the next few months in order to answer this question. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER ITS DECISION ON PLAN AMENDMENT 2013-CW-4CP TO A DATE CERTAIN OF SEPTEMBER 17, 2015, IN ORDER TO GIVE STAFF AND THE COMMUNITY THE NECESSARY TIME TO RESOLVE THIS ISSUE.

Commissioners Ulfelder and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Migliaccio [*sic*] and Mr. Ulfelder.

Commissioners: Mr. Ulfelder.

Chairman Murphy: I'm sorry, Mr. Ulfelder and Mr. Flanagan. All those in favor of the motion to defer decision on PA 2013-CW-4CP to a date certain of September 17th with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And we have to request that the board change its hearing because it's scheduled for June 2nd.

Chairman Murphy: All right, all those in favor of requesting that the board of supervisors change the date of its public hearing for the aforementioned item to a date following the Planning Commission determination, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSPA 86-C-029-10 – AIRBUS AMERICAS, INC.
2. RZ 2014-SP-015/SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.

This agenda was accepted without objection.

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CSPA 86-C-029-10 – AIRBUS AMERICAS, INC. – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with RZ 86-C-029 to permit sign modifications. Located on the W. side of Wasser Ter. at the terminus of Mansarde Ave., on approx. 4.14 ac. of land zoned PDC. Tax Map 15-4 ((1)) 13 E3. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman, This is a fairly simple and straightforward comprehensive sign plan amendment for the – for the Dulles Suburban Center, one of the buildings there. Now that EADS North America and Airbus Americas have been reorganized into one, we'll be eliminating two signs going to one single sign, but leaving in some flexibility with one of the new conditions to - - if there's an additional tenant – to go back to the current situation. But with the one sign, it will actually be taking up less sign area as well on the building. So, with that, Mr. Chairman, I WOULD LIKE TO MOVE THAT THE PLANNING COMMISSION APPROVE COMPREHENSIVE SIGN PLAN AMENDMENT CSPA 86-C-029-10, SUBJECT TO DEVELOPMENT CONDITIONS DATED APRIL 29TH, 2015.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to approve CSPA 86-C-029-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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RZ 2014-SP-015 – SUNRISE DEVELOPMENT, INC. – Appl. to rezone from R-1 to R-3 to permit a medical care facility with an overall Floor Area Ratio (FAR) of 0.25. Located on the E. side of Burke Lake Road, S. of its intersection with Shiplett Blvd., on approx. 4.96 ac. of land. Comp. Plan Rec: Residential 1-2 du/ac with an option for Residential 2-3 du/ac or for a medical care facility, subject to the conditions to retain and preserve the Silas Burke House. Tax Map 78-3 ((1)) 4. (Concurrent with SE 2014-SP-060.) SPRINGFIELD DISTRICT.

SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC. – Appl. under Sect. 3-304 of the Zoning Ordinance to permit a medical care facility. Located at 9617 Burke Lake Road, Burke, on approx. 4.96 ac. of land proposed to be rezoned from R-1 to R-3. Tax Map 78-3 ((1)) 4. (Concurrent with RZ 2014-SP-015.) SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated April 13, 2015.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Mariska's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Commissioner Murphy announced his intent to defer the decision on these applications at the end of the public hearing.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications RZ 2014-SP-015 and SE 2014-SP-060.

Commissioner Hurley asked whether the location of the historic post office would meet the minimum required side yard setback. Ms. Tsai stated that the required setback was 10 feet and the building would be set back 25 feet.

Commissioner Ulfelder expressed concern that once the Burke House lost its eligibility for listing in the National Register of Historic Places upon the approval of this application, the county would lose the ability to conduct any review under Section 106 of the National Historic Preservation Act (NHPA), which would allow the consideration of the effects of federally funded projects on historic properties. In addition, he stated that the impact on the historic nature of the site might be reduced somewhat, but not minimized as stated throughout the staff report.

Commissioner Strandlie referenced Paragraph E of Proffer Number 6, Historic Preservation and Heritage Resources, and suggested that the language be modified to clarify that the Burke House would be open to the general community as well as residents and guests.

Commissioner Flanagan referenced General Standard 3 on page 25 of the staff report and asked whether any of the surrounding residents had been surveyed to determine whether they believed this proposal would be harmonious with the area. Ms. Tsai said that no one had been surveyed but pointed out that two community meetings were held, at which concerns were raised and addressed.

Commissioner Hart asked whether there would be a covered walkway for pickup and drop-off during inclement weather. Ms. Tsai said that there would be, but deferred to the applicant to provide more detail on its exact location in relation to the other buildings onsite.

Commissioner Migliaccio referenced the fifth bullet on page 13 of the staff report and asked what percentage of asphalt the applicant might ultimately use on the site. Ms. Tsai said that no specific numbers had yet been determined. When Commissioner Migliaccio asked if staff felt that the current proffer would be enforceable, Ms. Tsai said that staff would work more with the applicant to clarify the language in the proffer.

Ms. Mariska briefly described the history of the Silas Burke House site and stated that the subject proposal would ensure the preservation of the home and related buildings and provide for their maintenance in perpetuity. She noted that the adopted Comprehensive Plan Amendment for this site provided an option for a medical care facility, as long as the house was preserved, and added that the application would provide that facility in addition to the preservation and care of the existing home. She pointed out that the applicant would not only preserve the existing home, but also the two existing outbuildings and the windmill onsite, in addition to relocating the Burke Post Office to the subject site. Addressing Commissioner Ulfelder's concerns regarding the Burke House's eligibility for listing on the National Register of Historic Places, Ms. Mariska stated that the applicant's proposal was better than maintaining the site's eligibility. She explained that eligibility for the National Register did not guarantee a site's preservation, maintenance, or monies; whereas, this application would. She then introduced Charles R. Heath, Architect/Agent, RLPS, LLP d/b/a Reese, Lower, Patrick & Scott Architects, to provide additional details on the application.

Mr. Heath provided a brief presentation illustrating the features of the proposed development and its integration with the Silas Burke House. He noted that the proposed development would be located behind Burke House and described how the site would be viewed from nearby roads and neighborhoods. He briefly described the location of the proposed porte cochère and how it would be situated between the existing buildings. In addition, he said that the new buildings would be similar in character to the existing structures to ensure a holistic and harmonious development.

Commissioner de la Fe asked Mr. Heath if the new development would mimic the existing buildings or be similar in character. Mr. Heath said that the design would be consistent with the existing buildings without detracting from the Silas Burke House.

Commissioner Hurley noted that funds were made available by a Braddock District applicant for the relocation of the post office building to the proposed site, and asked Ms. Mariska to clarify how the building would be maintained and ultimately used. Ms. Mariska confirmed the aforementioned funding and added that Sunrise Development would provide the balance of funding necessary to complete the move. She added that the applicant would work with community groups to determine the best use for the building.

Commissioner Ulfelder acknowledged Ms. Mariska's remarks regarding the National Register, but noted a broader concern with regard to the county's policy, approach, and decisions on historic properties. He added that while he understood the reasons for its removal from the eligibility list, he suggested that additional things might be done to further reduce the impact of the proposed development on the Burke House. In addition, he said that the use of the home should be specified and agreed upon by all involved parties, adding that Burke citizens would likely welcome more discussion on it. Ms. Mariska said that Proffer Number 2, Uses, would be modified to refine the uses for the house. In addition, she addressed Commissioner Strandlie's remarks on the use of the house, and said that the intent was for the general public to have access to Burke House, adding that the proffer would be clarified to indicate so.

Commissioner Murphy requested that Linda Blank, Planning Division, DPZ, review the current proffers, refine them during the deferral period, and provide the applicant recommendations in order to create a stronger proffer package. He said that he wanted to ensure that the Silas Burke House would be preserved and maintained in a manner that would allow for public access and use.

Commissioner Hart and Mr. Heath discussed the covered walkway in relation to the outbuildings and the Burke House, after which Commissioner Hart requested that detailed illustrations showing the walkway be provided. He said that clarification was needed on the relationship of the buildings to each other and the walkway.

Commissioner Flanagan said that one of the dominant features of Burke House was its isolation from its adjacent neighbors and noted that the proposed development would reduce its visibility. He suggested that additional landscaping be added near the front of the medical care facility to allow the Burke House to retain its dominance. Mr. Heath agreed to review the landscaping further.

Vice Chairman de la Fe called for speakers from the audience and recited the rules for testimony.

Matthew Scoble, 9519 Burning Branch Road, Burke, spoke in opposition to the application, pointing out that the rear of the house faced the roads, while the front faced the Burke neighborhood. He stated that the proposed development would block the view of the front of the Burke House from all of the adjacent homeowners who now have a clear view of the property. He added that Fairfax County policy noted the importance of preserving its heritage in order to provide a sense of continuity with the county's historic past. He stated that the approval of this development would contradict that policy. He said that the staff report itself required a demonstrated need for the proposed facility and noted several facilities that provided similar care throughout the county.

Commissioner Murphy asked Mr. Scoble if he had attended any of the community meetings, to which Mr. Scoble responded that he had not. Commissioner Murphy pointed out that the Healthcare Advisory Board (HCAB) determined whether or not there was a need for a facility in an area. He added that the HCAB Chairman had notified the Board of Supervisors in January that the applicant had demonstrated a need for the development of an assisted living and memory care facility in the Burke and Springfield communities. He further noted that the HCAB found the subject application reasonable in terms of access, need, quality, operations, and financial accessibility. Commissioner Murphy also pointed out that the Planning Commission could not deny an application because a similar use might be nearby, as that would constitute restriction of trade.

In reply to questions from Commissioner Flanagan, Mr. Scoble said that his residence was across the street from the subject site and noted that he was speaking only for himself.

Commissioner Murphy pointed out that Mr. Scoble's neighborhood had received letters regarding this application and were invited to the committee meetings. He added that the applicant had also worked with the community and spoken with everyone on Burning Branch Road.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Ms. Mariska, who noted that prior to submission of the application a meeting was held at Burke House to discuss the proposal. She added that two community meetings were held afterward with residents from the surrounding areas. She also noted that the application was presented to the History Commission, who sent a letter of support to the Board of Supervisors.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

(Start Verbatim Transcript)

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Vice Chairman de la Fe: Public hearing is closed; Mr. Murphy.

Commissioner Murphy: Thank you very much, Mr. Chairman. Jill, if you could, check the calendar. The date I'm looking at is June 11th, Thursday. Do we have a meeting, so that – okay. Thank – I want to thank everybody for coming out. I want to thank the applicant. They were very cooperative and we – it's a tough one. I understand it's tough. Everybody said we want to keep the house, we don't want development. And you know, it's a tough one, but on the other hand, this is the only way we can save the house. And I appreciate the staff. Mary Ann Tsai just did a phenomenal job and we really appreciate it. You – you really went over the top on this one and I – I personally thank you for that. And I want to thank Marlae Schnare, who's not here but is Supervisor Herrity's land use person who weathers the storm on a day-to-day basis while I'm at my regular job trying to earn some money. And I want to thank Linda and – and – yes?

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning: Just real quick, June 11th there's actually an ARB meeting – Architectural Review Board, so she would not be able to be here on the 11th, if you want her presence at the meeting –

Commissioner Murphy: She was the main contributor to this.

Mr. Mayland: So June 10th, if we have Planning Commission –

Commissioner Murphy: Hold on a minute. I have two cases that night. All right, the 18th. I have to push it up another week. And Ms. O'Donnell thanks a lot for your help and Bill Mayland. So I would move, Mr. Chairman, I THAT THE PLANNING COMMISSION defer decision only on RZ 2014-SP-015 and SE 2014-SP-060 to a date certain of June 18th with the record remaining open for comment.

Commissioner Hart: Second.

Commissioner Murphy – especially Ms. Blank's.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 9-0. Commissioner Hedetniemi was not present for the vote; Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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Chairman Murphy resumed the chair and adjourned the meeting.

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CLOSING

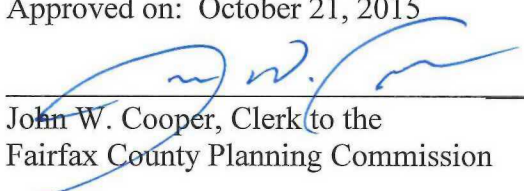
May 13, 2015

The meeting was adjourned at 9:32 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: October 21, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission